

**This order is SIGNED.**

**Dated: October 17, 2019**



**R. KIMBALL MOSIER  
U.S. Bankruptcy Judge**



*rdr*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH**

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| In re:<br><br>MARILYN R. MONSON,<br><br>Debtor. | Bankruptcy Number: 19-24954<br><br>Chapter 13<br><br>Hon. R. Kimball Mosier |
|---|---|

**ORDER REIMPOSING AUTOMATIC STAY**

Marilyn R. Monson, the debtor in the above-captioned case, filed an Emergency Motion to Reinstate Automatic Stay. The Debtor's motion requested that the Court immediately reimpose the automatic stay of 11 U.S.C. § 362(a) as to all creditors. The Court had previously terminated the stay pursuant to § 362(d)(4) under the conditions stated in its order entered on September 4, 2019. Because the Debtor is *pro se*, the Court construed her motion liberally as one for relief from that order under Fed. R. Civ. P. 60(b). *See Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

The Court conducted a hearing on the Debtor's motion on October 17, 2019. The Debtor appeared *pro se*, Armand J. Howell appeared on behalf of Ditech Financial, LLC, and Tami Gadd appeared on behalf of the Chapter 13 Trustee. Based on the Court's findings and conclusions made on the record, which are incorporated herein by reference, the Court hereby **ORDERS:**

1. The Debtor's motion is GRANTED under Fed. R. Civ. P. 60(b)(6).
2. The Court's September 4, 2019 order terminating the stay is modified by reimposing the automatic stay of § 362(a) in the above-captioned case as to Ditech Financial, LLC and its successors and assigns, effective as of the entry of this order, but on the following conditions:
  - a. If the Debtor fails to timely make post-petition mortgage payments regarding the real property located at 11041 North 5730 West, Highland, UT 84003, Ditech may provide notice of the default to the Debtor. If the Debtor fails to cure the default or file an objection within 14 days after service of the notice of default, the Court will grant relief under § 362(d)(4) and reinstate the terms of its September 4, 2019 order upon Ditech's submission of a declaration of non-compliance.
  - b. If the Debtor fails to timely make chapter 13 plan payments Ditech may provide notice of the default to the Debtor. If the Debtor fails to cure the default or file an objection within 14 days after service of the notice of default, the Court will grant relief under § 362(d)(4) and reinstate the terms of its September 4, 2019 order upon Ditech's submission of a declaration of non-compliance.
  - c. If the Debtor's case is dismissed for any reason, the Court will grant relief under § 362(d)(4) and reinstate the terms of its September 4, 2019 order.
3. The Court's order granting relief under § 362(d)(4) in the case of Royce Monson, case no. 19-26119, with respect to the real property located at 11041 North 5730 West,

Highland, UT 84003, and entered on September 4, 2019, shall remain unaffected by the Court's ruling in the above-captioned case.

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END OF DOCUMENT

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**DESIGNATION OF PARTIES TO RECEIVE NOTICE**

Service of the foregoing **ORDER REIMPOSING AUTOMATIC STAY** shall be served to the parties and in the manner designated below.

**By Electronic Service:** I certify that the parties of record in this case as identified below, are registered CM/ECF users:

|                 |  |
|-----------------|--|
| Brian J. Porter | brian@hwmlawfirm.com                     |
| Lon Jenkins     | ecfmail@ch13ut.org, lneebling@ch13ut.org |
| U.S. Trustee    | USTPRegion19.SK.ECF@usdoj.gov            |

**By U.S. Mail:** In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed. R. Civ. P. 5(b).

Marilyn R Monson  
11041 North 5730 West  
Highland, UT 84003